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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,624	09/23/2003	Zvonimir Z. Bandic	HSJ920030180US1	2184

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BRACEWELL & PATTERSON, LLP  
PO BOX 61389  
HOUSTON, TX 77208-1389

EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/668,624

Applicant(s)

BANDIC ET AL.

Examiner

David D. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al (US 6,714,379). As per claim 1, Thompson et al shows in figure 1 a hard disk drive 100 including a housing; a motor 106 mounted to the housing; a disk 108 mounted to the motor 106, having a hub, and being rotatable relative to the housing. Also shown in figure 1 is an actuator 110 mounted to the housing and being movable relative to the disk 108. The actuator 110 has a head 118 for reading data from and writing data to the disk 108, and a cover 105 is mounted to the housing for covering the disk 108 and the actuator 110 in the housing. The cover 105 is at least partially transparent for allowing observation of at least some movement inside the housing through the cover 105 during operation of the disk drive. As per claim 2, Thompson et al shows in figure 1 the cover 105 permitting observation of the disk 108 and the actuator 110.

As per claim 3, Thompson et al shows in figure 1 that the cover 105 is completely transparent and clear. As per claim 5, Thompson et al discloses in column 2, lines 56-63 that the cover 105 is translucent. As per claim 6, Thompson et al shows in figure 6, that a portion of the cover 205 is structurally reinforced with materials that are opaque (i.e. shroud 250).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US 6,714,379). Thompson et al discloses, supra, claimed invention.

However, Thompson et al is silent as to the cover being tinted with a color and decorations or pattern on at least one of the disk, the hub, and the actuator, wherein the decorations or a diffraction grating pattern cause appearance of color, and change and movement of color depending on an angle of observation to additionally contribute to an appearance of the hard disk drive.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a tint on a cover or a pattern or decorations on an element with in the disk drive of Thompson et al. The rationale is as follows: The purpose of the cover is to

protect the elements inside the disk drive and the purpose of the elements in the disk drive are to store information. The cover need not be a particular color and the elements need not have a particular pattern to store information. Realizing this, one of ordinary skill in the art at the time the invention was made would have been motivated to alter the color of a cover or the pattern of elements in a disk drive, which is well within the purview of a skilled artisan and absent an unobvious result, because the change of color or pattern, which is applicable and analogous to printed matter and the differences of printed matter (i.e. color, patterns decorations) cannot afford a basis for different patents. See *Ex parte S*, 25 J.P.O.S. 904 (Bd. Ap. 1943).

6. Claim 7-9 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US 6,714,379) in view of Miyashita (JP 2001-210005). Thompson et al discloses a hard disk drive including a housing; a motor 106 mounted to the housing; a disk mounted to the motor 106, having a hub, and being rotatable relative to the housing; and an actuator 110 mounted to the housing and being movable relative to the disk. The actuator 110 has a head 118 for reading data from and writing data to the disk and a cover 105 mounted to the housing for covering the disk and the actuator 110 in the housing. The cover 105, as disclosed in column 2, lines 56-63, is at least partially or completely translucent for allowing observation of at least some movement of the disk and the actuator 110 inside the housing through the cover 105 during operation of the disk drive. Thompson et al shows in figure 6, that a portion of the cover 205 is structurally reinforced with materials that are opaque (i.e. shroud 250).

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Thompson et al, however, is silent as to a flashing device, which is a stroboscope, mounted to the housing for making movement inside the housing appear to move at a speed that is less than an actual speed of the movement.

Thompson et al is also silent as to the cover being tinted with a color and decorations or pattern on at least one of the disk, the hub, and the actuator 110, wherein the decorations or a diffraction grating pattern cause appearance of color, and change and movement of color depending on an angle of observation to additionally contribute to an appearance of the hard disk drive.

Miyashita discloses a flashing device, which is a stroboscope, mounted to the housing. Inherent with a stroboscope is making elements appear to move at a speed that is less than an actual speed of the movement.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the disk drive of Thompson et al having a clear top cover with a stroboscope as taught by Miyashita. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a disk drive having a clear top cover with a stroboscope, which makes elements appear to move at a speed that is less than an actual speed of the movement, so as to see the elements with in the disk drive in an aesthetically pleasing manner. See the abstract of Miyashita.

It also would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a tint on a cover or a pattern or decorations on an element with in the disk drive of Thompson et al. The rationale is as follows: The purpose of the cover is to protect the elements inside the disk drive and the purpose of the elements in the disk drive are to

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store information. The cover need not be a particular color and the elements need not have a particular pattern to store information. Realizing this, one of ordinary skill in the art at the time the invention was made would have been motivated to alter the color of a cover or the pattern of elements in a disk drive, which is well within the purview of a skilled artisan and absent an unobvious result, because the change of color or pattern, which is applicable and analogous to printed matter and the differences of printed matter (i.e. color, patterns decorations) cannot afford a basis for different patents. See Ex parte S, 25 J.P.O.S. 904 (Bd. Ap. 1943).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David D. Davis  
Primary Examiner  
Art Unit 2652

ddd